

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JESS T. LAMMERS,

Plaintiff,

vs.

AG VALLEY COOPERATIVE NON-
STOCK,

Defendant.

8:21-CV-354

ORDER

The Court has received an email from the plaintiff in the above-captioned case, today at 12:22 p.m., attached to which is an audio file that the Court assumes is intended to be evidence relating to the defendant's pending motion for summary judgment ([filing 46](#)).

The Court has received such emails from the plaintiff before. Generally, the Court does not accept submissions by email. See [NECivR 5.1\(c\)](#). However, the Court has, as a courtesy to the plaintiff given his *pro se* status, filed his emails and made his attachments part of the record.

But this is different. The defendant's motion for summary judgment was filed on September 26, 2022, and after learning that the plaintiff had not received electronic notice of that, the Court gave the plaintiff until November 7, 2022 to respond to the motion. See [filing 42](#). All of the plaintiff's previous submissions—whether electronically filed or emailed to chambers—were received on or before that date. See [filing 45](#); [filing 46](#); [filing 47](#); [filing 48](#).¹ And the defendant filed a timely reply brief today. [Filing 49](#).

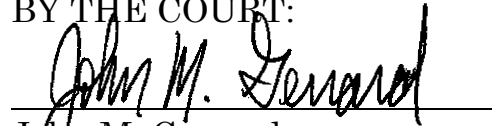
¹ The Court is aware that the plaintiff's filings make some reference to being a "motion" in their own right—but the only relief they seek is partial denial of the defendant's motion for

In other words, the defendant's motion for summary judgment has been fully briefed and submitted to the Court. "No party may file further briefs or evidence without the court's leave." [NECivR 7.1\(c\)\(3\)](#). And even as a *pro se* litigant, the plaintiff was required to file a timely response to the defendant's motion. See [Howard v. McKee](#), 175 F.3d 1024 (8th Cir. 1999). Accordingly, the defendant's motion is fully submitted—and will be decided—on the record currently before the Court. Specifically, the emailed submission from the plaintiff received today is untimely and will not be accepted by the Court. See [NECivR 5.1\(c\)](#); [NECivR 7.1\(c\)\(3\)](#).

IT IS ORDERED that the defendant's motion for summary judgment ([filing 39](#)) is fully submitted, and no further briefing or evidence will be received.

Dated this 14th day of November, 2022.

BY THE COURT:



John M. Gerrard
United States District Judge

summary judgment. The plaintiff's filings, in other words, did not ask the Court for affirmative relief and did not start a new briefing schedule—they represent the plaintiff's brief and evidence opposing summary judgment, consistent with this Court's rules. See [NECivR 7.1\(b\)](#).